

HOUSE BILL NO. 545

INTRODUCED BY R. MAEDJE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CONDITIONS UNDER WHICH A RECLAMATION PERMIT IS NEEDED FOR OPENCUT MINING OPERATIONS; FORBIDDING THE DEPARTMENT OF ENVIRONMENTAL QUALITY FROM REGULATING SALES OF MATERIALS FROM OPENCUT MINING OPERATIONS; AND AMENDING SECTION 82-4-431, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-4-431, MCA, is amended to read:

"82-4-431. Permit for reclamation required. (1) ~~An operator may not conduct opencut mining operations that result in the removal of a total of 10,000 cubic yards or more of materials and overburden until the department has issued a permit to the operator for the reclamation of the land affected. A person may not, without a permit, remove materials from a site from which a total of 10,000 cubic yards or more of materials and overburden has been removed. An operator conducting a number of operations, each of which results in the removal of less than 10,000 cubic yards of materials and overburden but that result in the removal of 10,000 cubic yards or more of materials and overburden in the aggregate, is subject to the provisions of this part, except as provided in this section.~~ An operator shall obtain a permit for reclamation of land affected by an opencut mining operation if the opencut mining operation would:

(a) exceed 1 acre in size;

(b) include excavation deeper than 50 feet;

(c) be located on a parcel less than 5 acres in size;

(d) be located less than 100 feet from any property line;

(e) be located less than 1,000 feet from an existing well or drain field;

(f) be located less than 200 feet from surface water; or

(g) include gravel crushing as part of the opencut mining operation.

(2) Except as provided in or conditioned under subsections (3) and (4), an operator who holds a permit for reclamation may operate an opencut mine without first securing an additional permit or an amendment to the existing permit or bond if the mine meets the following criteria:

1 (a) the total amount of materials and overburden removed does not exceed 2,500 cubic yards; and

2 (b) the operator notifies the department prior to beginning operations and, within 30 days of notifying
3 the department, submits a completed site information form, salvages and stockpiles all root-bearing soil
4 materials, regrades the affected area to 3:1 or flatter slope and blends the reclaimed area into the adjacent
5 topography, and during the first appropriate growing season, replaces all topsoil and reseeds or revegetates as
6 required by the department.

7 (3) The department may refuse to approve an application for issuance of a permit under subsection (1)
8 or allow the operator to operate an opencut mine under subsections (1) and (2) if, at the time of notification by
9 the operator to the department, the operator has a pattern of violations or is in current violation of this part, rules
10 adopted under this part, or provisions of a permit for reclamation.

11 (4) The department may require an additional bond as a condition for the operation of an opencut mine
12 under subsection (2).

13 (5) Opencut mines described in subsection (2) may not be placed:

14 (a) in flowing, ephemeral, or intermittent streams;

15 (b) in the bottom or head of a confined drainage;

16 (c) in an area where the operation will intercept ground water or intercept any slope that is naturally
17 steeper than 3:1; or

18 (d) in any area where mining would be restricted by other laws.

19 (6) ~~Sand and gravel opencut mines~~ All opencut mining operations, including those not covered by a
20 permit for reclamation, must meet applicable local zoning regulations adopted under Title 76, chapter 2."

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22 NEW SECTION. Section 2. Sale of materials. The department may not regulate the sale of materials
23 from opencut mining operations.

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25 NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an
26 integral part of Title 82, chapter 4, part 4, and the provisions of Title 82, chapter 4, part 4, apply to [section 2].

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